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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN FRANCISCO DIVISION

11 RONALD RICHMAN, } No. C 07-5317 WHA
12 Plaintiff, }
13 v. }
14 UNITED STATES OF AMERICA; U.S. }
15 DEPARTMENT OF FISH & WILDLIFE }
16 SERVICE, }
17 Defendant. }
18 _____

**DECLARATION OF CHARLES
FRIEDRICH IN SUPPORT OF
MOTION FOR LACK OF SUBJECT
MATTER JURISDICTION
[FED. R. CIV. P. 12(b)]**

18 I, Charles Friedrich, declare as follows:

19 1. I am the Administrative Officer for the Sacramento Field Office of the Department of
20 the Interior's Fish and Wildlife Service. I have been a member of this office since December of
21 2002. In this capacity, I have responsibility for receiving and processing administrative tort
22 claims that are filed with this office when such claims involve assertions that employees of this
23 office caused accidents or other types of damages.

24 2. I recall that sometime in October of 2006 I received an administrative tort claim from
25 a law office. The claim was presented by Ron Richman and was directed to this office. The
26 claim asserted that it was the result of an automobile accident that involved a Fish and Wildlife
27 employee named Peter Lacy. I gathered from the claim that it was Richman's contention that at
28 the time of the accident, Peter Lacy was driving a federally-owned vehicle.

3. I did not recognize the name Peter Lacy as being an employee of this office.

Accordingly, I investigated whether there was an employee of this agency by that name. Among the things that I did to try and determine whether Peter Lacy was an employee of this agency was to try and find him on the computer directory available to me. I did not find anyone with the name Peter Lacy on the agency directory.

4. Because the administrative claim presented to this office suggested that a federally-owned vehicle was involved in the accident, I did an investigation to determine whether any of the vehicles owned by this agency was involved in an accident. I was able to determine that it was not likely that any of the vehicles under my administration were involved in the accident described in the administrative claim.

5. After I concluded that neither the employee nor the car were related to this agency, I sought assistance from attorneys in this agency's Portland Regional Office to determine how to respond to the complaint. I was advised that I should let the claimant know that he probably presented the claim to the wrong agency.

6. I wrote directly on the claim a note to the effect that Peter Lacy does not work for the Fish and Wildlife Service. I also noted on the claim that Mr. Richman probably had us confused with the California Department of Fish and Game. I then mailed the claim back to the attorney that mailed the claim to this office. To the best of my recollection, it was about a month or so after I had received the administrative claim that I mailed the claim back to the sender.

7. After sending the claim back to the sender, I did not hear more about the case until several months later when I received a summons. In response to the summons, I called the law office and informed them again-- this time with a voice mail message-- that Peter Lacy is not an employee of this office. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: 7/24/08

/s/
CHARLES FRIEDRICH